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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,387	06/20/2001	Ari Salomaa	796.397USW1	4803

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EXAMINER

LI, SHI K

ART UNIT	PAPER NUMBER
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2633

16

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,387

Applicant(s)

SALOMAA, ARI

Examiner

Shi K. Li

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 7 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al. (U.S. Patent 6,204,959 B1).

Fujita et al. discloses in FIG. 4 a system for monitoring wavelengths of optical signals traveling in an optical fiber 10. FIG. 4 comprises a tunable filter 30, a sweeper 40, an optical receiver for converting the optical signal into an electrical signal and a CPU for controlling the sweeper via a control signal and for determining the wavelengths. Fujita et al. teaches in col. 8, lines 53-54 to use Fabry-Perot etalon, a waveguide or a fiber grating as the tunable filter. These types of filters are narrowband optical filters. As illustrated in FIG. 3, the sweeper scans the entire wavelength range being monitored. Fujita et al. discloses in col. 6, lines 35 the interdependence between the wavelength of an optical signal obtained from the output of the filter and the control signal.

Regarding claim 2, Fujita et al. explains in col. 8, lines 55-67 that the control signal is an electric signal.

Regarding claims 3-4 and 10-11, Fujita et al. includes memory 120 and CPU 130 in FIG. 4 and explains in col. 6, lines 21-48 the operation of the CPU for determining the wavelengths.

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Regarding claim 12, Fujita et al. includes optical coupler 20 in FIG. 4.

Response to Arguments

3. Applicant's arguments filed 4 May 2004 have been fully considered but they are not persuasive.

The Applicant argues that Fujita '959 fails to disclose or suggest "conducting the optical signals to a narrowband optical filter controllable by a control signal" and "adjusting the filter by changing the control signal in such a way that the window formed by its pass band will scan the entire wavelength range being measured" as recited in claim 1. The Applicant also argues that Fujita '959 fails to disclose or suggest "narrowband optical filter controllable by control signal" and "control electronics circuit connected to the control input of the filter to give the control signal being adjustable for scanning the entire wavelength range being examined" as recited in claim 7. The Examiner disagrees. Fujita et al. teaches in FIG. 4 and col. 5, line 53-col. 6, line 56 to conduct the optical signals via coupler 20 to a wavelength tunable filter 30, the wavelength of which is controllable by a sweeper 40. Fujita et al. teaches in col. 8, lines 53-54 to use Fabry-Perot etalon, a waveguide or a fiber grating as the tunable filter. These types of filters are narrowband optical filters. That is, Fujita et al. discloses or suggests "conducting the optical signals to a narrowband optical filter controllable by a control signal" and "narrowband optical filter controllable by control signal". Fujita et al. teaches in FIG. 4 and col. 6, line 57-col. 8, line 47 to tune the filter wavelength via a sweeper based on signal from the CPU 130. Fujita et al. illustrates in FIG. 3 to scan the entire wavelength range being measured. That is, Fujita et al. discloses or suggests "adjusting the filter by changing the control signal in such a way that the window formed by its pass band will scan the entire wavelength range being measured" and

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"control electronics circuit connected to the control input of the filter to give the control signal being adjustable for scanning the entire wavelength range being examined".

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 703 305-4341. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

skl


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